

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

KURT COFANO

Criminal No. 20-154

MOTION TO STRIKE PORTION OF INDICTMENT

AND NOW, comes the United States of America, by its attorneys, Stephen R. Kaufman, Acting United States Attorney for the Western District of Pennsylvania, and Cindy K. Chung and Jonathan D. Lusty, Assistant United States Attorneys for said district, and respectfully moves to strike language from the Indictment in this matter and sets forth the following:

1. The defendant, Kurt Cofano, was indicted at the above-captioned case on July 14, 2020. Count Five of the Indictment charges the defendant with violating 18 U.S.C. § 922(g)(3), Possession of a Firearm by an Unlawful User of a Controlled Substance, by possessing, among other things, three Anderson lower receivers. See Doc. No. 1 at Count 5, ¶¶ 5-7.

2. The Government no longer intends to proceed on the theory that lower receivers are a means by which the defendant committed the offense at Count Five. Thus, the United States moves this Court to strike the Indictment to remove subparagraphs 5-7 from Count Five

3. Striking such language will only serve to remove certain means by which the defendant is alleged to have committed the offense at Count Five. This change will not modify any element of the crime charged, nor does it prejudice the defendant in any way. Cf. United States v. Miller, 471 U.S. 130, 144 (1985) (holding that dropping allegations unnecessary to an offense that is clearly contained within an indictment does not constitute an unconstitutional amendment of that indictment).

4. The Government conferred with defense counsel on this motion who does not oppose said motion.

WHEREFORE, the United States respectfully requests this Honorable Court to grant its motion to strike language from the Indictment in the above-captioned matter. An appropriate Order is attached.

Respectfully submitted,

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Acting United States Attorney

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